

REMARKS

Claims 48, 51 and 54 to 57 are now pending in the application, with Claims 1 to 47, 49, 50, 52 and 53 having been canceled, Claims 48 and 51 having been amended, and Claims 54 to 57 having been added. Claims 48, 51 and 56 are the independent claims herein. Reconsideration and further examination are respectfully requested.

Claims 39 to 41, 47 to 49, 51 and 52 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,131,067 (Girerd), and Claims 50 and 53 have been rejected under 35 U.S.C. § 103(a) over Girerd. Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns accessing a portable information generating terminal by an output terminal. According to the invention, display information is generated by a communication device based on position status information of the portable terminal, where the display information is related to a URL that identifies the portable terminal. The display information is transmitted to an output terminal, which displays a geographic map that includes an icon representing a position of the portable terminal, where the icon is linked to the URL that identifies the portable terminal. The output terminal then accesses the portable terminal in response to a designation of the icon displayed on the geographic map. As a result, a user can know the position status of the portable terminal merely by referring to the displayed geographic map, and if the user wants to access the portable terminal to receive information, the user can designate the icon, whereby the URL linked with the icon provides easy access to the portable terminal.

Referring specifically to the claims, amended independent Claim 48 is a communication apparatus to output information of a portable information generating terminal to an output terminal via a network, comprising a generating device adapted to generate display information on the basis of position status information of the information generating terminal, the display information being related to a URL to identify the information generating terminal, and a communication device adapted to receive the position status information of the information generating terminal, and to transmit the display information, generated by the generating device, to the output terminal, wherein a geographic map on which an icon, representing a position of the information generating terminal, and which is linked to the URL to identify the information generating terminal, is displayed at the output terminal on the basis of the display information, and wherein the output terminal accesses the information generating terminal in response to a designation of the icon on the geographic map.

Amended independent Claim 51 is a method claim that substantially corresponds to Claim 48, while newly-added Claim 56 is an apparatus claim that roughly corresponds to Claims 48 and 51, but is directed more specifically to the output terminal side.

The applied art is not seen to disclose or to suggest the features of independent Claims 48, 51 and 56. More particularly, the art is not seen to disclose or to suggest at least the feature of displaying, on a display of an output terminal, a geographic map that includes an icon representing a position of a portable information generating terminal and which is linked to a URL to identify the portable information generating

terminal, and the output terminal accessing the portable information generating terminal in response to a designation of the icon displayed on the geographic map.

Girerd is seen to disclose that a client requests position information of a remote sensor from a server, whereby the server queries the remote sensor for the information, which is then passed on to the client for display. The position of the sensor may be displayed on a web browser, thereby allowing a user to identify the position of the sensor. (See column 2, lines 30 to 45.) An appropriate portion of a city map may be downloaded with the location of the sensor highlighted so the user can identify the position of the sensor. (See column 5, line 64 to column 6, line 9.) Thus, Girerd merely obtains position information of a sensor by a server and displays the position of the sensor on a map of a client. While the sensor may be displayed on the map in the form of an icon, although Girerd does not specifically state so, nothing in Girerd indicates that the icon is linked to a URL that identifies the sensor, or that the sensor can be accessed by the output terminal (client) that is displaying the icon by designating the icon on the output terminal.

In fact, the Office Action admits that Girerd fails to disclose such a feature, but asserts that those skilled in the art would have known to provide such a feature to enhance Girerd. Applicant submits, however, that nothing in Girerd discloses or suggests the desirability of performing such a modification as alleged in the Office Action and the only motivation to do so is the disclosure provided by Applicant's own specification. In this regard, Girerd's function is to obtain a position of a remote sensor so that emergency equipment (fire, police, etc.) can be dispatched to the location of the sensor in the event of an emergency, or alternatively, to track the location of the sensor. The tracking is done in

periodic updates obtained by the server, which are passed along to the client. However, the client in Girerd does not, nor does it have any need to, access the sensor itself and therefore, nothing is provided for in Girerd to permit a user at the client terminal to click-on (designate) an icon displayed on the map so that a URL linked to the icon provides for the client (output terminal) to access the sensor (portable information generating terminal). Thus, the reasoning provided in the Office Action for modifying Girerd to include the features of the claimed invention is merely hindsight reasoning. As such, should the Examiner maintain the rejection, he is respectfully requested to provide objective factual evidence of a motivation to modify Girerd, rather than merely relying on the conclusory statement. See In Re Lee, 61 USPQ.2d 1430 (Fed. Cir. 2002) (holding that the Patent Office cannot merely rely on conclusory statements that it is common knowledge in the art, but must provide objective factual evidence in order to meet their obligation for negating patentability based on obviousness.)

Accordingly, amended independent Claims 48 and 51, as well as newly-added independent Claim 56, and all of the claims dependent from any one of the foregoing independent claims, are believed to be allowable over Girerd.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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